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599 Lexington Avenue
33rd Floor
New York, NY 10022-6030

| EXAMINER | |
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| PINHEIRO, JASON PAUL | |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/769,368 | BUSINGER ET AL. | |
| | Examiner | Art Unit | |
| | Jason Pinheiro | 3714 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *07 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. After the amendment filed 08/07/2008 claims 3, 9-11, 14-15, 23-25 were amended and claims 27-28 were newly added. Therefore claims 1-28 are pending.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-12, 14-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogelman et al (US 4440457) in view of Crowell et al (US 6357718).

Regarding claims 1, 6 and 14-16: Fogelman discloses: a support structure configured to support a monitor (abstract, Fig. 1). Fogelman also discloses securing the monitor to the support structure (Col. 3, Line 46 - Col. 4, Line 2). However Fogelman does not specify the use of jack screw assemblies to secure the monitor to the support structure.

Crowell '718 discloses a jackscrew assembly (Col. 6, Lines 20-40) and a method of utilizing the jackscrew assemblies in an opening regardless whether the opening was specifically for use with the jackscrew assembly (Col. 6, Lines 7-14).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to utilize the jackscrew assembly, as disclosed in Crowell, to secure the monitor to the support structure as disclosed in Fogelman in order to allow for the proper positioning and alignment of the monitor (Crowell, Col. 1, Lines 9-19)

Regarding claims 2, 7, 17 and 21: Fogelman and Crowell disclose that which is discussed above. Crowell further discloses that the plurality of jack screw assemblies include: a jack stud configured to be fixedly inserted into a hole in the support structure, a jack screw configured to be threaded onto the jack stud (136, Fig. 3), and a nut configured to be threaded onto the jack screw (Col. 2, Line 48 – Col. 3, Line 43).

Regarding claims 3, 8 and 18: Fogelman and Crowell disclose that which is discussed above. Fogelman further discloses that the monitor includes a retainer, the retainer having an aperture, the retainer configured to be disposed on the jack screw so that the jack screw assembly passes through the aperture in the retainer (28, Fig. 6).

Regarding claim 4: Fogelman and Crowell disclose that which is discussed above. Fogelman further discloses that the nut is configured to be disposed on the jack screw and over the retainer (28, Fig. 6).

Regarding claims 5, 9, 19-20 and 22: Fogelman and Crowell disclose that which is discussed above. Crowell discloses utilizing a jackscrew to adjust the

alignment and positioning of an object to a desired positioning (Col. 1, Lines 9-19). Although Crowell does not specifically disclose how to use a jackscrew, it is notoriously well known in that by rotating the jackscrew it will change the position of the object to which it is attached. Although Fogelman and Crowell do not specifically disclose where to position the monitor, the position of the monitor is an obvious matter of design choice

Regarding claims 10-12, 23-26 and 28: Fogelman and Crowell disclose that which is discussed above. Crowell further discloses a jack stud configured to be fixedly inserted into an aperture in the housing, a jack screw configured to be threaded onto the jack stud (136, Fig. 3), and a nut configured to be threaded onto the jack screw (Col. 2, Line 48 – Col. 3, Line 43). Although Fogelman and Crowell do not specifically disclose where to position the monitor, the position of the monitor is an obvious matter of design choice, as is the pitch of the jackscrew, as it would have been obvious at the time of the invention to utilize jackscrews with different pitches in order to vary the precision of the jackscrews and thereby varying the precision of the positioning of the monitor.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fogelman et al (US 4440457) in view of Crowell et al (US 6357718) as applied to claims 6-7 above, and further in view of Koza et al (US 4652998).

Regarding claim 13: Fogelman and Crowell disclose that which is discussed above. Fogelman further discloses a currency distributing and

collecting device disposed in the housing (Col. 5, Lines 18-21). However neither Fogelman nor Crowell disclose a processor or a printing device.

Koza '998 does disclose a processor and a printing device (Col. 3, Line 56 - Col. 4, Line 41).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Koza into the combined teachings of Fogelman and Crowell in order to yield the predictable result of facilitating the usage of the game terminal and allowing printing from the game terminal.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fogelman et al (US 4440457) in view of Crowell et al (US 6357718) as applied to claim 6 above, and further in view of Inoue (US 5609524).

Regarding claim 27: Fogelman and Crowell disclose that which is discussed above. However neither Fogelman nor Crowell disclose a front door mechanically coupled to the hosing having an aperture through which the monitor is visible when the door is in a closed position.

Inoue discloses a front door mechanically coupled to the hosing having an aperture through which the monitor is visible when the door is in a closed position (Col. 3, Lines 25-29, Fig. 1).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Inoue into the combined

teachings of Fogelman and Crowell in order to yield the predictable result of allowing a player to see the display panel, while at the same time providing a door to facilitate the various inputs and outputs utilized by the gaming device (Inoue, Col. 3, Lines 49-65).

***Response to Arguments***

6. Applicant's arguments filed 08/07/2008 have been fully considered but they are not persuasive.

7. Regarding applicants argument that "neither Fogelman or Crowell teach that jack screws should be used to adjustably secure a monitor to a support structure": The Examiner must respectfully disagree, although individually neither Fogelman nor Crowell disclose that jack screws should be used to adjustably secure a monitor to a support structure, when combined, as discussed above, Fogelman and Crowell do disclose using jack screws to adjustably secure a monitor to a support structure. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one skilled in the art at the time the invention was made to utilize the jackscrew

assembly, as disclosed in Crowell, to secure the monitor to the support structure as disclosed in Fogelman in order to allow for the proper positioning and alignment of the monitor (Crowell, Col. 1, Lines 9-19).

8. In response to applicant's argument that "Fogelman's device is already adjustable by moving the mounting board", the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

9. In response to applicant's argument that "the jackscrew assembly disclosed in Crowell would not be operative in Fogelman's terminal", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

10. Regarding applicant's argument that "Crowell's jackscrew assembly does not disclose a jack stud", as shown in fig. 3 there is a jack stud into which a jack screw can be threaded into.

11. Regarding applicant's argument that the Examiner has taken **OFFICAL NOTICE** with respect to the rejection of claim 13: The Examiner has not taken **OFFICAL NOTICE** with respect to the rejection of claim 13.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Pinheiro whose telephone number is (571)270-1350. The examiner can normally be reached on M - F 8:00 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

/J. P./
Examiner, Art Unit 3714